

the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13627. Misbranding of King's formula. U. S. v. 22 Bottles of King's Formula. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19066. I. S. No. 18642-v. S. No. C-4493.)

On October 17, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the District of Minnesota a libel praying the seizure and condemnation of 22 bottles of King's formula, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by William C. King, Scott City, Kans., August 22, 1924, and transported from the State of Kansas into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of the article by the Bureau of Chemistry of this department showed that it consisted of a liquid in two layers, composed of ether, alcohol, iodine, eucalyptus oil, water, and formaldehyde.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article: (Bottle, carton, and shipping package labels and 2 circulars each headed "King's Formula") "For The treatment Of Tuberculosis of the Lungs, Chronic Coughs, Colds, Asthma and Sore Lungs Caused From Pneumonia or Flu," (circular of testimonials) "Don't Suffer With Tuberculosis, Chronic Coughs, Colds, Asthma, Pneumonia, Flu And Sore Lungs \* \* \* By inhaling. \* \* \* King's Formula, instant relief can be yours \* \* \* Satisfaction guaranteed," (testimonial) "I was seriously afflicted with Tuberculosis and Hemorrhages of the lungs \* \* \* commenced to use King's Formula and since \* \* \* have never had a hemorrhage and am in better health and stronger than \* \* \* within \* \* \* ten years \* \* \* Recommend \* \* \* King's Formula to any one afflicted with lung trouble of any kind," (carton and circular of testimonials) "Try a few breaths and feel the soreness leave," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13628. Adulteration and misbranding of Wine-Berre. U. S. v. 8 Cases of Wine-Berre. Consent decree of condemnation and forfeiture. Product released to be relabeled.** (F. & D. No. 18907. I. S. No. 5794-v. S. No. C-4456.)

On August 15, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of Wine-Berre, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Kansas City Kola Co., from Kansas City, Mo., on or about June 21, 1924, and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "'With The Tang Of The Berry Patch' Wine-Berre" (cut of berries) "Manufactured By The Kaw Valley Fruit Products Co., Kansas City, Mo. Wine-Berre Punch Wine-Berre is made with the use of the pure juice of ripe berries," (bottle) "Drink Wine-Berre."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored imitation containing only a small amount of fruit, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "With The Tang Of The Berry Patch Wine-Berre is made with the use of the pure juice of ripe berries," "Wine-Berre Punch," "Drink Wine-Berre," together with the design of berries, borne on the labels, deceived and misled the purchaser, and in that the article was an imitation of another article.

On June 16, 1925, the Wine-Berre Co., Inc., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that